

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

vs.

ROBERT VIETA,

Defendant.

Case No. : 4:02-CV-40255

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

HONORABLE STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

ORDER GRANTING PLAINTIFF'S REQUEST FOR LEAVE TO TAKE DEPOSITION (DKT. #173)

On October 4, 2002, Plaintiff Gregory Hardy filed a *pro se* civil rights complaint, pursuant to 42 U.S.C. § 1983, alleging assault, harassment, intimidations and violations of the First and Eighth Amendment (Dkt. # 3). In April this Court appointed *pro bono* counsel for plaintiff whose appearance was entered the following month. (Dkt # 158 and # 163.) On December 6, 2007, Plaintiff, through his *pro bono* counsel, has requested leave to take the deposition of inmate Kenneth Johnson (MDOC # 189941) at the St. Louis Correctional whom Plaintiff believes has knowledge regarding Plaintiff's claims (Dkt. # 173). All pretrial proceedings have been referred pursuant to 28 U.S.C. 636(b)(1)(A) and (B). For the reasons stated below, Plaintiff's request is **GRANTED**.

Pursuant to Local Rule 7.1(a), counsel for Defendant has indicated that counsel for Defendant does not oppose Plaintiff's deposition of Mr. Johnson. Fed. R. Civ. P. 30(a)(2)(B) provides that "a party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2)." Fed. R. Civ. P. 30(a)(2)(B). Plaintiff's counsel has assured this

Court that the deposition will be taken in a manner consistent with Fed. R. Civ. P. 26(b)(2).

Accordingly, Plaintiff's motion for leave to take the deposition of Mr. Johnson is
GRANTED.

SO ORDERED.

Dated: December 11, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that on December 11, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Kevin R. Himebaugh, John S. LeRoy, Brain S. Tobin, and I hereby certify that I have mailed the paper to the following non-ECF participants: not applicable.

s/ James P. Peltier
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